

TOBACCO

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Flaw in the Law Regarding Flagmen at Railway Crossings.

The Act of 1893 Declared Unconstitutional by Judge Vaughn of the Blackford Circuit Court.

The State of Indiana, filed suit against the P., C., C. & St. L. Railway Company and the Lake Erie & Western Railroad Company at Hartford City, in Blackford county, to recover \$1,000 from each company on account of the failure of the companies to provide flagmen at certain highway crossings, named in the order, where said railroads cross the said highways. The Legislature of 1893 passed an act that County Commissioners could require flagmen at all railroad crossings with highways where two or more tracks were used for switching, etc. The railroad companies filed demurrers to the complaint of the State, upon the ground that the law so passed by the Legislature was unconstitutional for the reason that no provision was made for notice to the companies to appear before the board of commissioners. Judge E. C. Vaughn, of the Blackford Cir-cuit Court, yesterday held that the de-murrers of the defendants to the petition were well made, and held the law, therefore, unconstitutional. This is a law that has been attempted to be enforced by a great many boards of county commissioners in Indiana, and this holding is of the greatest interest to the public and to rail-

Important Rate Question.

Second Controller Mansur, of the Treasury Department at Washington, yeste day heard an argument by Maxwell Evarts, of New York, in the matter of the accounts of the Southern Pacific railroad with the government, as affected by the long-and- of days. short-haul clause of the interstate-commerce act. The question came up before the Controller's office in passing upon certain rates charged by the Southern Pacific Railroad Company upon the shipment of mineral oil from Jeffersonville, Ind., to Wilcox and Bowie, A. T. In his statement of the case, Mr. Evarts pointed out that a rate on a through shipment from Jeffersonville to Los Angeles of oil in less than car lots was, at the time the question came up, on the line of the Southern Pacific from El Paso, Tex., to Los, Angeles, Cal. \$1.031/2 per one hundred pounds. The rates in question, he said, charged from El Paso to Wilcox and Bowie, A. T., were far less than car lots, and the same was paid by private parties for similar service. Mr. Evarts then proceeded to argue at length that the rates were not in violation of the long-and-short-haul clause of the act, and closed by saying that the last important decision of the commission, involving the long-and-short-haul clause, went further than the previous cases, and held muat any competition, whether of another carrier subject to the act of a carrier under the control of a carrier, was sufficient to create dissimilar circumstances and conditions which would warrant a lesser charge for a longer haul than for a short one included in the longer distance. He submitted that the rates charged by the company upon the shipments of the oil in question ought, therefore, to be allowed. The decision in the present case is looked for with considerable interest, as it will have a bearing on rates similarly charged by the other transcontinental lines on freight shipped by the government and concerning which no question has hereto-

fore been raised. Emigrant Agreement Signed. The emigrant agreement has been indorsed by the Chicago Great Western, which finally succumbed to the heavy pressure brought to bear upon it. This was the last line which stood out, and the agreement will be put into working order as soon as possible. There are lines which declare that the agreement will be smashed inside of a month, while others declare that it will be so entirely satisfactory in the workings that it will not be discontinued at all. | Cleveland. Three more members were added to the advisory committee, which consists of Chairman Caldwell, of the Western Passenger Association; Passenger Traffic Manager committee, and the following general pasagents: Sebastian, of the Rock sland; Hefferd, of the Milwaukee & St. Paul; Thrall, of the Northwestern; Towni, of the Missouri Pacific; Eustis, of the Burlington; Lord, of the Great Western, and Hanson, of the Illinois Central. The committee will, on Dec. 3, hold a meeting in New York with the emigrant agents of that city. The agents have notified the railroad men that they would be willing to abate something on the amount of commissions if only the emigrant clearing house was not established in New York. No definite answer has been returned, and all such matters will be settled at the coming meeting in New York. If the present agree-ment should hold, it would be a turning point in the history of passenger railroad traffic. The emigrant business has been a bone of contention for over thirty years, and never before have the Western lines got so closely together on it. The trunk lines have tried it, but the agreement went to smash within a short time after its in-

To Reorganize the Union Pacific. committee that will look after the reorganization of the Union Packie rallway. The names are withheld for the present. It is understood that Drexel, Morgan & Co. will have a hand in the reorganization. Senator Brice speaks very hopefully about the success of the proposed reorganization plan. The reorganization committee, as far as made up, is as follows: C. S. Brice, chair-Louis Fitzgerald, A. H. Boissevain, Samuel Carr. H. L. Higginson and G. M. Dodge. Mr. Morgan's answer to an invitation to serve on the committee is expected to-day, Congressman J. B. Reilly, chairman of the House committee on Pacific railroads, may serve, if authorized to do so by his committee. Counsel to the committee will be Victor Morowitz, of Seward, Guthrie, Morowitz & Steele, and J. W. Simpson, of Simpson, Thatcher & Barnum, both of New York. The committee will hold its first meeting on Monday.

Delaware-Street Sidewalk Dispute. The wholesale merchants on South Meridian street, the draymen and a majority of the South-siders, say they are much pleased with the Big Four improvements on South Delaware street, and say they would dislike to see any steps taken which would lessen the advantages these improvements afford for the shipment of goods, consequently the suggestion that the Big Four should build an overhead passageway on Delaware street for pedestrians

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We Offer You a Remedy which Insures Safety to Life of Mother and Child.

Robs Confinement of its Pain, Horror and Risk. Afterusing one bottle of "Mother's Friend" I weakness afterward usual in such cases.—Mrs. Sent by express, charges prepaid, on receipt of price, \$1.50 per bottle. Book to Mothers matted free. BRADFIELD REGULATOR CO.,

ATLANTA, GA.

HELD TO BE INVALID meets with much favor and is thought to be the best method of solving the problem. It was suggested by one of the South-siders that this passage-way should be extended over the Union tracks, which would be a still greater convenience. Wm. Sullivan, agent of the Big Four company at this point, said it looked to him like a very practical suggestion and an easy way of settling a question in which many busi-

Canadian Pacific Rates.

ness men, especially shippers, are inter-

An injustice has been done the Canadian Pacific by the report that it was cutting rates in Pacific coast business. It has proved conclusively that it has done nothing of the kind. The report arose through the attempt of a man named Howard, who intended taking a party to the midwinter fair. He agreed to transport them from Chicago for \$27 each, intending to pay the balance of the regular rate of \$37 for each ticket himself. The people, on this basis, go from St. Paul to San Francisco for \$15.50, but the road in each instance was to re-ceive the full tariff of \$37. Finally the man backed down, and no tickets were sold to him. The Canadian Pacific has announced that, beginning Nov. 27, it will put in a rate of \$23 from St. Paul to San Francisco, which is a rate of \$34.50 from Chicago. This is a reduction of \$2.50.

Convention of Conductors.

Delegates to the nineteenth annual convention of the Railway Passenger and Freight Conductors' Mutual Aid and Benefit Association of the United States, Canada and Mexico, assembled at the Sherman House, Chicago, yesterday. The convention will continue two days. The association is one of the oldest and strongest in the railway organizations of America. At the close of the session, to-day, the delegates will leave for a three weeks' excursion to the Pacific coast. The Burlington road has provided a special train for the occasion and the tourists will visit Denver, Portland, San Francisco and other points of interest, taking in Salt Lake City on the re-

Personal, Local and General Notes. H. C. Parker, traffic manager of the Lake Erie & Western, is in Peoria for a couple

M. E. Ingalis, president of the Big Four, has been confined to his house since Wednesday with a severe cold. George W. Parker, president and general manager of the Cairo Short-line, is in the city, accompanied by his family. P. N. Woodbury, chief clerk of John Riley, superintendent of the Peoria & Eastern, is so ill as to confine him at home. Beginning next Sunday the Baltimore & Ohio will put on a new train between Chicago and Pittsburg. It will be known as the Chicago and Pittsburg limited.

John Newell, president of the Lake Shore road, is negotiating for a lease of the car works property at Erie, intending to use it as shops for repairing freight equip-

It is said that Sidney Gates, ticket agent of the Louisville & Nashville, at Louisville, Ky., will succeed Mr. Morse as assistant general passenger agent of the L. & N.

D. F. Whitcomb, superintendent of the Union Railway Company, who has been confined to his room for several days with malarial troubles, expects to be able to assume his usual duties to-morrow. The double track of the Pittsburg, Fort

Wayne & Chicago between Pittsburg and Crestline will be completed by Dec. 16 Yesterday but three miles of the second track was to be laid to complete the important improvement. M. D. Woodford, president of the Cincin-

nati, Hamilton & Dayton lines, has decided to make New York his home and turn the operating of the lines over to William Green, general manager, Mr. Woodford to handle the finances. Judge Field, general solicitor of the

Louisville, New Albany & Chicago, who has been ill much of the time for several months, has fully recovered, and is now looking after the legal matters of the Mo-

non with his accustomed vigor. W. O. Paxton, who is to represent the reorganized West Shore fast freight line at this point, will take hold Dec. I. Until an independent office is secured he will have his desk in the office of the Big Four, corner of Washington and Meridian streets. The Big Four people are already satisfied that it was a wise step to restore the night train out of St. Louis for New York and Boston, which leaves Indianapolis at 4 a. m. It is carrying a liberal share of the business from Indianapolis and

Harry Crawford, sr., is quoted as saying that in the early spring he would commence the extension of the Chicago & Northeastern eastward, not having experienced enough trouble in operating the por-White, of the Atchison, chairman of the tion of the road already built and operated a part of the time.

> Advices from Springfield, Ill., tell of the incorporation of the Terre Haute, Olney & have difficulty in discriminating between Chester railway. The road will run from a two kinds of patriotism, one to stand by point near the village of York, Ill., to Ches- the Union, one by the Confederacy; but ter, on the Mississippi river. The principal offices will be at Olney, Ill. The road is capitalized for \$2,000,000,

C. D. Morris on Monday takes the position of assistant general freight agent of the Louisville, Evansville & St. Louis, with headquarters at St. Louis. He will also look after the business of the Peorta. Decatur & Evansville and the Chicago & Ohio River, all Mackey lines.

The corps of surgeons which the Baltimore & Ohio employ on its Western lines at different points met on Thursday in Newark. O., for the purpose of organizing as have the surgeons on the Wabash. There were in attendance at the preliminary meeting sixty surgeons. The Lake Erie & Western is figuring to

arrange the running time of its trains on the Fort Wayne division, via Muncie, so as connect with Trains 17 and 18 over the Big Four to and from Indianapolis. If Senator Calvin S. Brice has appointed a properly arranged this would be the most desirable route between Indianapolis and

Prof. Henry W. Rolfe, of Concord, has presented diamond plus to conductora Eiwood Blankenbeler, D. T. Gore and C. H. Sloan, of the Pennsylvania railroad, for saving him from death in a wreck. Prof. Rolfe was imprisoned in a burning car, and was rescued by the three men with great risk to themselves.

The Western Passenger Association has been requested by the California lines to extend the return limit on tickets to the midwinter fair from April 30 to July 15, and that on tickets already sold with a return limit of April 30 to the same date, t having been decided to keep the fair open until June N

Webster J. Richey, who yesterday announced that he was a candidate for Auitor of State, was for some years with the Bee line, and was route agent of the United States Express for twelve years. C. S Phillips, general agent of the United States Express, speaks in very complimentary erms of the service he rendered this com-

The gross earnings of the Lake Shore for the first quarter of the present fiscal year, beginning July 1, were \$6,064 579, an increase \$437.324 over the same period of last year. The net earnings were \$1,753,145, an increase of \$39.821. The surplus has increased \$14.-(21. For the first nine months of the calendar year the increase in the turplus was

General Manager Barnard, of the Peoria & Eastern, has returned from his inspection trip. To stimulate the section men to good work he proposes to place a sign on the best section of each division reading as follows: "This is the best section on this itvision." This he does in addition to awarding a prize to the foreman of the best

H. W. Byers, the well-known engineer of maintenance of way of the Eric & Ashtabula division of the Pennsylvenia line, has secured patents on two valuable inventions. One is an automatic rail frog and the other is an apparatus for unload ing and distributing ralls. Both are very ingenious devices, and, expert railroad men say, will recommend themselves on

first sight. The Railroad Commissioners of Kansas estarday ordered the express companies doing business in that State, after the lat of January, 1894, to make a refluction of 10 | you enough for it. per cent, from the existing charges for the months ago the board ordered a reduction f 20 per cent; the express companies claimed they could not continue business | it for you if you ask him.

Delicious? Well, I should say so! | profitably if the reduction was made, and a compromise was effected then at 19 per

There is some speculation among the train men as to the obect of the meeting of the Railway Brotherhoods on the Chicago & Erie road, at Huntington, Sunday last. The most profound secrecy is maintained as regards what action was taken. As yet, no grievance committees have appeared before the officers of the road, although it has been hinted that such would be the case.

retired from service. This was the first engine purchased by Norman Beckley, who was general manager of the Cincin-nati, Wabash & Michigan, who purchased all of the original equipment. Ex-General Manager Beckley, on the engine being taken away, remarked, "She doesn't owe the company one cent." At Chicago, yesterday, the General Managers' Association took a new stand on the question of issuing passes intended to influence business. Local committees are

Engine 601, as renumbered, on the Michigan division of the Big Four, is to be

to be formed in all prominent places in the West, which are to settle the matter from a local standpoint. Chairman Midgeley, of the Western Freight Association, is to di-rect the work of all the local committees, which will report directly to him. The reorganization committee of the Toleco, St. Louis & Kansas City is said to be making excellent headway, and it is thought the property will soon be out of the hands of the court and established on a better financial basis than ever before; yet a belief prevails that unless it is made the Western outlet of the Michigan Central it will not do the business a road of its

character must do to avoid financial An official in authority on the Big Four says that all the talk about D. B. Martin, general passenger agent, being removed to St. Louis, or that he is to retire from the company's services, is without the least foundation. Mr. Martin, says his superior officer, can stay on the Big Four in his present position as long as he desires, and he is satisfied he will desire so to do unless some more lucrative and pleasant position

STANDARDS OF MONEY.

A Criticism of Secretary Carlisle's Recent Speech in New York.

To the Editor of the Indianapolis Journal: It is a prerogative of an American citizen to criticise the opinion of a public officer, public's expressed, and I send mine and ask its publication. No question is of larger consequence to all than the financial, and all kinds of opinions can be tolerated, while | neighbors for food and warmth. the press is left free to combat or correct them. Mr. Carlisle admits "that our trade does not depend on the character of our fiscal system," and yet all his argument hinges on the 10 per cent. of our foreign trade, while he disregards the welfare of the 90 per cent. of our domestic commerce. In speaking of money, he says: "The stamp on its coin attests their weight, or fineness, but it adds nothing whatever to its intrinsic value." Is this logic sound? Pray, does the stamp on a thousand-dollar greenback simply "attest its weight or fineness?" money value? Its intrinsic or commodity value is not a farthing, but the stamp makes it worth a thousand dollars. Does not Mr. Carlisle know that without the stamp on the gold, silver or greenback they would not be money-simply commodities? Does he not know, by the flat of law, that gold, silver and greenbacks can be demonetized and lose their money value, and become simply bullion and paper? And yet he says: "Powerful as this government is it cannot create money." He does not say it cannot coin money; and, when coined and stamped, it becomes money. If that is not creating, what is it? Will Mr. Carlisle tell us who created money, and where does it come from? It is not like Topsey-"always been here." It is not a natural production: it doesn't grow from the ground, like wheat, corn or fruit on the trees. God made these, but not money. Man made money. We elect Congressmen, they pass a law which declares that so much gold is a dollar, so much silver is a dollar, and a small bit of paper, having no weight, fineness or intrinsic value, is a dollar, or a thousand dollars, according to the stamping. Now, if the law did not make it money, what did, Mr. Car-To show how poor is, after saying "government create money," he adds, cannot create money," "But it can regulate the value thereof; can change its legal ratio, and can maintain the parity of coin and paper." Now, is it not illogical to say it can regulate, but cannot create or coin money? He also contends that silver "fluctuates n its value so rapidly and greatly" that it won't do for money. If fluctuation is the criterion, nothing is so bad as gold. It fluctuates above all other known commodities. It never remains the same for any length of time. It flows here and there at the command of a fluctuating demand. When it leaves one country in large quantitles it creates a panic there, and disturbs the country to which it goes. In short, as it is plenty or scarce, it rises or

falls. There is no delusion greater than to suppose it is an intrinsic value which gives it pre-eminence; its simple scarcity or plenty makes it fluctuate. Sometimes it is below silver, sometimes above it, from 1 cent to 0, 20, 30, 50, 100, 150 to 285-the most unreliable money that ever vexed, cursed or crushed mankind, and as it goes up or down good times or a wail of misery Mr. Carlisle claims that gold is the only international money. Will he kindly tell us

what he means by international? If it is restricted to the five nations, he is correct. If it relates to the two hundred nations of the world he is miserably mistaken. Five nations do not make international any more than five swallows make summer. There are more than twenty nations that use silver to one nation that has the gold standard. His statements are loose and misleading. He says he cannot understand double standard. No one is responsible for his want of understanding. A man who cannot understand a double standard would there is a difference, most men think, between treason and patriotism, and between a single and double standard. Financial men claim there is a difference, and this may be true, although Mr. Carlisle cannot comprehend it. And I suppose, if gold is the only standard, these nations that have silver have no standard, and are without money and are standardless, because Mr. Carlisle cannot understand it. Yet he speaks about coined silver dollars to the amount of \$419 .-382,550; silver bullion. \$181,914,841; subsidiary silver, \$78,977,002; a grand total of \$680,224,293. The grand total of silver dollars is \$680 .-224,293 and he puts the gold at \$659,167,948. If the \$680,224,393 is not money, and one standard, and helps to make a double standard, what is it In the Journal of Nov. 14, that paper had an article on the financial strength of France, and in that article the Journal showed that none of the single standard

countries were in so good condition as France, and said: "To-day, France is really the financial center of Europe. It reused to follow other European nations in demonotizing silver and getting rid of it. It has hoarded all the legal tender silver of the Latin Union which has come to it. * * o and its stock of money is nearly double, because it has been able to keep its sliver in circulation with the purchasing power of gold, franc for franc," and that other nations "must soon adopt the policy of France and broaden the foundation of credit by a larger use of silver as legal tender money." It is pretty clear that the Journal understands there is a double standard. And right here it is proper to say that France has \$40 per capita, while the surrounding gold standard countries have but \$16 to \$20, and we have but \$25. Men are apt to forget that, the plentier the money, the higher prices and labor are, and the more the people flourish. It is the fashion among single standard advocates to talk long and loud about a sound dollar and high priced money, but they always go with low prices, low labor and a stringent

n.opey market. Another fact almost always overlooked is that "the practical law of the value of money is the law of demand and supply. Money obeys this law as resistlessly as any other thing. Governments can control these matters by giving a more or less quantity of money, and thus make times easy or hard, and you see there is reason in asking that our per capita shall go up to that France, to keep pace with increased population. This money question will not down until bimetallism is the general rule.

D. C. CHIPMAN. Anderson, Ind., Nov. 24.

A New Certain Cure for Piles. We do not intend to endorse any except ar ticles of genuine merit; we therefore take pleasure in recommending to sufferers from Piles in any form, a prompt and permanent cure. The following letters speak for them-

Mrs. Mary C. Tyler, of Heppner, Ore., writes: One pkg. of Pyramid Pile Cure entirely cured me of piles from which I have suffered for years, and I have never had the slightest return from them since. Mr. E. O'Brien, Rock Bluffs, Neb., says: The pkg. of Pyramid Pile Cure entirely removed every trace of itching piles, I cannot than

The Pyramid Pile Cure is a new, certain painless cure for every form of piles. It i safe, sure and cheap. Any druggist will get

LEFT THEM IN WANT

Record of a Mean Man Brought Out in a Complaint in Court.

Exploit of a Grave Robber-Federal Grand Jury's Work-Bell Telephone Company Sues for Infringement.

On Sept. 16 Frances A. Hicks filed suit in the Circuit Court against George W. Topping, asking judgment for \$500. She alleged in her complaint that this amount was due her for services as nurse for the defendant's upon him. wife and money loaned him by the plaintiff. The defendant was the owner of a lot in Marlette Park addition, which the plaintiff averred he was endeavoring to convert into cash with the intention of leaving the State for the purpose of defrauding the plaintiff. She asked that the defendant be enjoined from disposing of the property, but this prayer was not pressed and the restraining order was not issued. Yesterday the plaintiff filed a motion supported by affidavit to have the cause set down for trial. The affidavit alleges that the plaintiff is a widow past seventy years of age and has no means with which to support herself except the money due her from the defendant. She alleges that of her claim for \$500, \$140 is due for services rendered in behalf of the defendant and his family, \$225 is money due her from the Metropolitan Life Insurance Company on a policy on the life of her daughter and the balance is for money loaned the defendant. She voluntarily relinquishes her claim for the amount due for services and prays judgment for the remainder of the amount. She alleges that for more than a year past she has resided with the defendant at his home, No. 6 Alfree avenue, taking care of his wife until her death in May last, and since that time, the plaintiff alleges, she has con-tinued to reside at the defendant's home, caring for his stepdaughter. She avers that on Thursday the defendant abandoned his home, leaving her to care for his stepdaughter without making any provision for her care, and that prior to his departure he had the natural gas turned off at the house, leaving them dependent upon the

GRAVE ROBBER'S EXPLOIT.

Rig Hired by "Jeff" Garrigus Gets James Imes Into Trouble. In the Police Court, yesterday morning, James Imes, arrested for grand larceny, was given a preliminary hearing, and was discharged. From the evidence it developed that during the month of June last two men came to Railsback's livery stable, at 173 East North street, and hired a horse Rather, does it not add all its intrinsic and | and wagon. The wagon was not returned at the proper time, and nothing was heard of it for several days, when Imes, who was one of the men, came to the stable and informed Railsback that the horse and wagon could be found in North Indianapolis, and accompanied a son of the liveryman to that suburb, where the property was recovered. Soon after this Imes left the city, and upon his return several days ago was arrested for the theft of the horse and wagon. It was shown that the man accompanying Imes was none other than Jeff Garrigus, who has acquired considerable of a reputation here as a grave robber, and he wanted the wagon on the day it was hired for the purpose of robbing a grave near Southport. It did not appear that Imes was a party to the grave robbing.

FEDERAL GRAND JURY.

Witnesses in Counterfeiting Cases Heard-Bank Cases Next Month. The federal grand jury devoted all of yesterday to the examination of witnesses in a number of counterfeiting cases. No further investigations, have been made in the bank case, and none will probably be made until after Thanksgiving, it being the intention of the jury to adjourn to-night until after that date. Benjamin Woolfinger, of Eikhart, was before the body yesterday, being charged with having passed counterfeit money. Woolfinger was arrested by Deputy Marshal Stewart at Goshen, and was

INFRINGEMENT CLAIMED.

held for the action of the grand jury by

the United States commissioner at Elkhart.

Bell Telephone Company Sues an Indiana Corporation. The American Bell Telephone Company complains in the United States Court of the Indiana Wire Fence Company, of Crawfordsville. The telephone company sets forth in a voluminous bill the alleged facts of an infringement of their patent by the defendants. The court is asked to at once issue a perpetual injunction against the fence company. It is alleged that the corporation has been warned to desist in the se of the patent owned by the American Bell company, and that they have refused to comply with the order. The plaintiffs also ask that the defendants pay over all revenues and profits derived by them dur-

ing the time they have used the patent. Jennings County Election Case. Yesterday oral arguments were listened to by the Supreme Court in the Jennings county auditor case. Nearly everybody is familiar with the controversy. In 1890 Schuck and Cope were the opposing candidates for the office of county auditor of Jennings county, and Schuck was declared elected, but on applying to Governor Hovey for his commission was refused the same on the ground that he had been a defaulter as treasurer of that county, but the Commisioners of the county approved his bond notwithstanding. Cope claimed that Schuck took possession by force, and brought an action in the Circuit Court to test the validity of his claim, and the vardict rendered by the jury was for Schuck, but the court, on answers to interrogatories by the jury, rendered a verdict for Cope. The question discussed by the attorneys was as to whether or not the court erred in its findings on the interrogatories. Schuck was represented by Judge New and John Overmyer and Cope by A. C. Harris and Mr.

Given a Divorce. Judge Bartholomew yesterday granted the petition of Elizabeth Peterson for a divorce from William Peterson, and granted her the custody of their two children, Lou Emma, aged thirteen years, and James, aged three years. The complaint, which was filed on May 17, alleged cruelty and drunkenness. Mrs. Peterson said they were married in 1878, and charged that during the past two years her husband has been an habitual drunkard, and had frequently choked and kicked her and threatened to kill her. Judge Bartholomew asked Mrs. Peterson if she was able to care for and educate the children, and she said she was and would do so. She also said that the oldest child had never been to school, because her husband refused to permit her to go. The two children are now in the care of the Board of Children's Guardians, having been found by the police during the early part of the week at the residence of man named Foudy, on Nebraska street, where they had been left and deserted by their father.

On a Very Grave Charge.

In the Criminal Court yesterday William Brittenback was placed on trial before a jury for criminally assaulting Eva Brittenback, his sixteen-year-old adopted daughter. The girl was a very unwilling witness for the State and cried while on the witness stand. She had left the home of her foster parents and Brittenback sought the aid of the police in his search for her, and it was then she made complaint against him. On the witness stand she testified that she had been urged to make the complaint by neighbors of Brittenback and regretted having

Will Trade Benches.

The claim docket will be called in the Circuit Court this morning. Next week Judge Brown will go to Noblesville and sit in that court during the week and Judge in this county during the week. The change several cases in which a change of venue from the judge has been taken.

Chattel Mortgage Filed.

Stephen Mattler, proprietor of the saloon at No. 39 East Washington street, yesterday filed a chattel mortgage upon his saloon furniture and fixtures to secure the payment to the Indianapolis Brewing Company of a | can be bought for a few cents.

Patrolman's Victim Sues.

ages in the sum of \$10,000. On last Monday Simpson arrested the plaintiff for the alleged theft of his mace and revolver, which were afterwards found in the toilet rooms of the Occidental Hotel, where Simpson had left them. Kendall claims damages in the amount named for his arrest without

Compromised the Suit.

In the Circuit Court yesterday the claim of Robert Duncan against the estate of William Johnson, deceased, for \$2,618.75 for services rendered the deceased during his lifetime was compromised and the claimant allowed \$500. Suing for Damages.

Oliver Templin is seeking to recover \$1,000 from the City Ice Company for personal injuries received while in their employ. On Oct. 16 while putting a large cake of ice into an ice chest the ice slipped and fell

THE COURT RECORD.

Supreme Court Opinions. 16379. Eli Green vs. Sinker, Davis & Co. Marion S. C. Reversed. Hackney, J.-When a note and mortgage are held as collateral security, upon the discharge of the original debt, either by its payment or a disaffirmance of the sale creating the debt, such collateral security is to be regarded as discharged. 16400. Indianapolis Natural-gas Company vs. John Kebby, Trustee. Madison C. C. Affirmed. Howard, J.-The execution of an instrument by one party and its acceptance by a second party makes a contract.

2. An injunction will be granted when an action at law would be inadequate.

Appellate Court Opinions. 821. Thomas Anderson vs. Wm. P. Os-camp et al. Elkhart C. C. Reversed. Ross, J.-1. A complaint must proceed on a defi-nite theory. 2. A complaint for conversion is fatally defective where there is an entire absence of any description of the prop-erty alleged to have been converted. 3. A erty alleged to have been converted. 3. A pleading unsuccessfully demurred to will be cured by the finding when there is a total failure to allege some fact essential to the cause of action, or at least a failure to allege facts from which such necessary facts may be inferred.

967. L. E. & W. Railway Company vs. John H. Jones. Madison C. C. Reversed. Gavin, C. J.—When the plaintiff in an action against a railroad company for refus. tion against a railroad company for refusing to carry the corpse of his wife pre sents a transit permit which does not show the names of the medical attendant, as required by a board of health regulation, passed under authority of Section 5, acts

1891, he cannot recover. 674. Julia B. Smith vs. Mary J. Downey et al. Marion S. C. Rehearing denied. Davis, J.—The doctrine of res adjudicata cannot arise except by virtue of some issue joined and actually contested on the trial. 831. City of Larayette vs. wm. Clinton C. C. Rehearing denied.—The jury were the exclusive judges of the weight of the evidence, and the court would not reverse the judgment because of the insufficiency of the evidence, with instructions to render judgment for appellant.

REHEARINGS DENIED. 799. Charles Keesling et al. vs. Charles Doyle, Madison C. C. 847. Rachel Green et al. vs. Alonzo J. Brown, Administrator. Hamilton C. C. 990. John Lingeman vs. Milton Shirk, executor. Leave given to perfect appeal in

thirty days. Superior Court. Room 1-James M. Winters, Judge.

Sarah C. Howlett vs. William L. Gillsey et al.: notes. On trial by court. Sarah E. Hocker vs. Nicholas J. Hocker; divorce. Decree granted plaintiff. Auguste Doletzky vs. John Doletzky; divorce. Decree granted plaintiff. Room 2-J. W. Harper, Judge.

Henry Coburn vs. Mary C. Cregg et al.; mechanic's lien. On trial by court. Indianapolis Maize Mill vs. N. Y. Bartholomew et al.; suit on note. Tried by court. Finding and judgment for plaintiff vs. defendants for \$281.77. Lyman S. Ayres vs. De Witt C. Griffith; suit on note. Tried by court. Finding and judgment for the plaintiff against defendant Frank M. Rader vs. Preston Litton; suit

for wages. On trial by court. Room 3-Pliny W. Bartholomew, Judge. Van Camp Hardware and Iron Company vs. John Geeb; account. Judgment for \$177.42. Elizabeth Peterson vs. William Peterson; divorce. Decree granted, with custody of Jacob L. Mabee vs. George F. Gimble; mechanic's lien. Judgment vs. defendant for \$21.27 and decree of foreclosure. Hiram W. Miller vs. Henry F. Cloud; foreclosure. Dismissed and costs paid.

Millard F. Cox, Judge. State vs. William Brittenbach; rape. On trial by jury. Circuit Court.

Criminal Court.

Edgar A. Brown, Judge. Susan E. Edwards vs. Supreme Lodge K of P.; on policy. On trial by jury. William F. Hemricks vs. Charles E. Hemricks's Estate; claim on note. Allowed by Maria A. Bishop et al. vs. Hester Harrison et al.; to quiet title and partition. Finding that property is not susceptible of division and sale ordered. Robert Denny et al. vs. Robert Leary et al.; for attorney's fees. Compromised and

New Suits Filed. Hunter Millikin vs. John O. Beard; replevin. Superior Court. Room 2 Hunter Millikin vs. George A. Everitt; replevin. Superior Court. Room Oliver Templin vs. the City Ice Company; damages. Demand, \$1,000. Superior Court Room 1

Augustus L. Mason vs. Gustav G. Schmidt to foreclose mortgage. Superior Court. Room 2. Philip Kendall vs. Thomas J. Simpson damages. Demand, \$10,000. Superior Court Room ? Andy Molder vs. John S. Shumaker et al. Superior Court. Room 1. William E. Summer vs. Lee Holtzman; note. Superior Court. Room 1. Horace R. Allen vs. William A. Moore; mechanic's lien. Superior Court. Room 3. James Schleicher vs. James B. Knickerbocker: note and to foreclose mortgage. Superior Court. Room 2.

THE PATTI CONCERTS.

People No Longer Crowd to Hear Her at Five Dollars a Ticket. New York Evening Post.

Seasons come and seasons go, but Patti sings forever. At least, it seemed likely, until quite recently, that we should have as many Patti farewells in the future as we have had in the past. During the last two weeks, however, something has happened which puts a new face on the matter. Two Patti concerts had been announced but, after repeated postponement, one o them was quietly allowed to drop out, and the combined advance sales for the two concerts first announced were just sufficient to fill Music Hall once. It will be remembered that when Mine. Patti was here last, only two years ago, the Mad-ison-square Garden was barely large enough to hold the tens of thousands who flocked to hear her, whereas this year it has taken two weeks' hard work to drum up two or three thousand. What is the cause of this sudden change? The answer is simple and obvious. When an artist has once sung for a dollar she cannot expect to go back to five dollars. Previous to the Madison-square Garden concerts there were in this city tens of thousands of persons who were anxious to hear-or rather to see-Mme. Patti, because she is an historical personage-the last of an extinct race of song birds, namely, the florid prima donna of the Rossini-Donizetti epoch. This curiosity was gratified on that occasion in a wholesale fashion at wholesale prices; consequently, retail prices are no longer in order. At \$ or \$3 a seat it is possible that she might have filled the house twice, but \$5 was found too high even at that Paderewski charity concert last year-and Paderawski is an artist who appeals not only to the curious, but to musical amateurs of the finest caliber, which Mme. Patti no longer Her voice, as it was heard on Saturday,

was but a shadow of its former self. It still has its beautiful quality, a timbre of rare beauty, and it is still used with considerable ease. But it is no longer brilliant in its runs, and has even lost the power of being prolonged without losing its purity of timbre and intonation. She sang Rossini's "Una Voce," adding as an encore the inevitable "Home, Sweet Home," which, as is well known, she sings in an affected way as regards sentiment, and with the usual Italian sacrifice of the poem to mere vocal effects. In the second part of the programme she appeared as Marguerite in the garden scene of "Faust," with Mmes. Fabbri, Engel, Lely and Novara as her assoclates. Marguerite was always one of her least satisfactory parts, and instead of having improved in dramatic sincerity and Stephenson will occupy the Circuit bench | vocal ardor, it is more artificial and selfconscious than ever. The applause throughis made for the purpose of disposing of out the concert was generous, but never really warm. The question now arises will Mme. Patti return in the spring to give that promised new opera by Pizzi?

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ADVERTISED LETTERS.

The following is the list of letters remaining unclaimed in the Indianapolis postoffice Saturday, Nov. 25, 1893. Please call for "advertised letters," and give the date of this

Ladies' List.

B-Booker, Miss Ellen: Berle, Nancy; Brown, Miss Dora; Bourrows, Mrs. E. A. C - Cook, Mrs. Rinear; Clark, Miss Georgetta; Conley, Docia; Clarke, Miss Belle; Cemp, Miss Alice; Clark, Mrs. Nan-D-Davis, Mrs. Mertie; Davis, Miss Lou; Doubbleday, Mrs. Lou; Dunnington, Miss Alma; Dudley, Miss Katie. E-Easbridge, Charlotte C.: Evans, Mrs. M.; Ehrman, Mrs. Carrie; Edwards, Miss F-Franklin, Miss C.; Fells, Mrs. William. G-Gardner, Miss Lizzie. H-Herring, Mrs. Mollie; Hogan, Miss

Florence E.; Hubbard, Miss Hallie; Hinger, Mrs. Ada: Hatton, Mrs. T. J.; Heckroth, Miss Emma (2.) J-Johnson, Mrs. C.; Jordon, Mrs. W. A. K-Kremer, Miss Fanny; Kelly, Miss Mamie; Kour, Miss Nancy; Keepfer, Miss Kate; Kern, Miss May. L-Lewis, Miss Charlotte V.; Langley, Miss Carrie; Lecknor, Mrs. Mary; Langridge, Miss I M-Merrill, Mrs.-Carrie (3); Mathews, Miss Mattie; Martin, Mrs. S. S. N-Nail, Miss Rachel.

P-Perkins, Mrs. Pheba; Palmer, Miss Emma; Pierce, Marie N.; Parker, Mrs. Belle; Phillips, Mrs. Caroline R-Riley, Miss Louiz; Rogers, Mrs. Sarah S. S-Stacy, Miss Ellise; Smith, Maria; Soward, Miss Emma; Schwick, Miss Nellie; Stone, Miss May; Street, Miss Myrtle; Sargent, Miss Effie; Sandford, Mrs. Lida; Snively, Miss Effie May.

T-Todd, Mrs. Hattie; Thompson, Miss V-Viccory, Miss Viola. W-Wade, Mrs. Hattie S.; Wilford, Nancy; Ward, Miss Nellie; Williams, Miss Annie; Walker, Mrs.; Wilcox, Mrs. Minnie, Gentlemen's List.

A-Atha, W. P.: Andrews, John; Alford, Clay; Alexander, W. O.; Allen, H. C. B-Boyd, John A.; Brown, Harry G.; Bond, William E.; Blakeman, Grant; Bradley, N.; Borden, Frank.; Booth, Era E.; Bowden, W. H.; Bates, Jake; Brown, Fred; Bell, Harry R. (2); Berger, R. E. -Clark, J.: Cox, Henry F.; Chartten, W. S.; Coa, Thomas, D-Dodge, Lyman H.; Delaney, Martin R.; Dessan, Isaac; Denson, John A. E-Evans, H. O.; Ealett, J. W.; Ensley, F-Franklin, O. H.; Franx, J. E.; Feeney, James; Fulconlodge, John; Flemning, T. B.; Forte, Charles; Fraser, Alexander; Fletcher, Oliver; Forbach, Lawrence; Fish,

G-Graig, W. J.; Grant, Charlie; Geier, J. L.; Goshen, S. U.; Gilbert, Dr. T. T. H-Hammell, Frank; Hornaday, Egbert; Hall, Robert Henry; Hamilton, J.; Hunt, C. B.; Hebert, J. J.; Hall, H. L.; Hope, J. R.; Hatton, A. B.; Horing, George; Hagen, Chris; Hawkins, Harry.

I-Irnett, J. D J-Jennings, E. J.; Jackson, Will. K-Kraus, David; Kelsey, B. J. L-Larkins, John; Love, Henry K. (2); Mc-McMiller, A. E.; McClintic, J. E.; Mc-Laughlin, Sonnie; McDonell, John M.; Mc-Coy. H. H. M-Macon, Thomas G.; Morvin, William (2); Morgan, Henry; Mussey, W. B. O-Owens. William.

P-Pagl, R. C.; Penrose, Joe; Phillips, T. P.; Peck, Charles G. R-Robinson, Willie; Ray, Joseph. S-Slinger, C. A.; Stevenson, Frank; Streeter, Ira; Stone, John; Shyer, Godfrey Stevenson, Will; Slider, Thomas; Shirk, W. T-Tarbell, G. E.; Thompson, J. Traver, Michael: Taylor, Howard, V-Vanblair, John: Valentine, E. T. W-Warner, E. W.; Wooley, W. T.; Watkins, Hade; Wilson, Elick: Woessner, G.; Wyeth, O. R.; Warren, Walter C);

C. E. KREGELO & WHITSETT FUNERAL DIRECTORS,

125 North Delaware St.

TELEPHONE 564. FUNERAL NOTICE.

SOCIETY NOTICE. A. A. O. N. M. S.-Nobles attend. Stated meeting of Murat Temple this (Friday) evening, at 7:30 o'clock.
J. T. BRUSH, Potentate.

McVEY-The funeral of Mrs. Hannah Mc-

Vey will take place from the residence of her son-in-law, Wm. M. Cochran, 304

College avenue, at 2 p. m., Saturday, Nov. 25. Burial at Crown Hill. Friends invited.

JOS. W. SMITH, Recorder. WANTED-AGENTS.

WANTED-Lady agents. Adhesive rubber tissue mends clothes, rips, etc. Quick sales. Large profits. INDIANA NOVEL-TY COMPANY. Box 571, Logansport, Ind. SALESMAN-To represent an old established summer Clothing House in Indiana on commission basis entirely. Apply, with references, to CHAS. A. YOST & CO., 602 Broadway, New York city.

AGENTS-Salary or commission. The greatest invention of the age. The New Patent Ink Erasing Pencil. Sells on sight. Works like magic. Agents are making from \$25 to \$125 per week. For further particulars write the MONROE ERAS-ING MFG. CO., X 840, La Crosse, Wis. WANTED-We want you to work for us, thus making \$12 to \$35 PER WEEK, Parties preferred who can furnish a horse and travel through the country; a team, though, is not necessary. A few vacan-cies in towns and cities. Spare hours may be used to good advantage.

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FINANCIAL. ······ LOANS-Money on mortgages. SAYLES, 75 East Market street.

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LOANS-Sums of \$100 to \$100,000. C. E. COFFIN & CO., 90 East Market FINANCIAL-Money to loan on first mortgage. Favorable terms.

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000 to \$2,000 and take charge of office department in a manufacturing business paying large profits. Address, PARTNER, care of general delivery, Indianapolis, Ind.

FOR SALE-For cash or part trade, a drug store. Full stock. Owner wants to change business. Address 376 Clifford avenue. MRS. MARGARET A. NOW-FOR SALE-The wholesale and hardware stock of Hildebrand & Fugate, 52 South Meridian street, Indianapolis, Ind., together with fixtures and good will of firm, is now offered for sale in bulk. Bids for

same will be received until Dec. 10, 1893, by A. P. HENDRICKSON, Receiver, 52 South Meridian street, Indianapolis, Ind.

ANNOUNCEMENTS. ANNOUNCEMENT-Old hats and rubber repaired by WM. DEPUY, 47 Massa-

ANNOUNCEMENT - An election for five directors of the Bank of Commerce will be held Saturday, Nov. 25, 1893, at 11 o'clock a. m. WILLIAM BOSSON, Cashier.

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